

Board of Adjustment



Minutes

City Council Chambers, Lower Level
December 14, 2010

Board Members Present:

Garrett McCray, Chair
Nicholas Labadie, Vice Chair
Diane von Borstel
Greg Hitchens
Tyler Stradling
Cameron Jones

Staff Present:

Gordon Sheffield
Angelica Guevara
Tom Ellsworth
Lesley Davis
Wahid Alam
John Wesley

Others Present:

Carole Parks
Declan Murphy
Tom Hennesay
Will Carson
Cameron Carter
James L Thompson
Harry Walther
David Fabiano
Marleen & Rulen Morris
Brad Zick
Luke Bundy
B. Martinez
Robert Ryan
Lindsay O'Conner
Craig Willett

The study session began at 4:37 p.m. The Public Hearing meeting began at 5:49 p.m. Before adjournment at 7:44 p.m., the following items were considered and recorded.

Study Session 4:37 p.m.

- A. Mr. Sheffield updated the Board on the medical marijuana ordinance with regards to the City Council presentation details.
- B. Mr. Sheffield also provided the Board with details of the fireworks regulations. He explained that state law allows the sale of fireworks and cities may only regulate the use.
- C. Zoning Code Update is approximately 95% completed and will be online soon.
- D. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:49 p.m.

- A. Consider Minutes from the November 9, 2010 Meeting A motion was made to approve the minutes by Boardmember Labadie and seconded by Boardmember Jones. Vote: Passed 6-0
- B. Consent Agenda #1 A motion to approve the consent agenda as read was made by Boardmember Jones and seconded by Boardmember von Borstel. Vote: Passed 6-0

Consent Agenda #2 A motion to approve the consent agenda as read was made by Boardmember von Borstel and seconded by Boardmember Jones. Vote: Passed 5-0-1 (Labadie - abstain)

**Board of Adjustment Meeting
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Case No.: BA10-065

Location: 3520 East Brown Road (Council District 1)

Subject: Requesting a Special Use Permit to allow a Commercial Communication Tower in the AG zoning district. (PLN2010-00322) **Continued from the November 9, 2010 meeting**

Decision: Approved

Summary: Declan Murphy summarized the project and pointed out that the location of the monopalm was decided by the property owner. There is a neighbor who had voiced concern regarding the location.

Wilfred Cardon, 4040 E. McClellan #8 – Owns two vacant lots adjacent to the north church property line that he plans to build a home on. Mr. Cardon stated that he has attempted to contact the church and has received no response from them. He voiced concerns with the height of the monopalm and the absence of natural palms on the north side of the property. He would like to see the monopalm relocated to the west side of the property.

Craig Willett, 1301 N. Val Vista - Concerned with the visibility of the monopalm from his property. Mr. Willett stated that the 65' structure would dwarf the area and would also like to see it relocated to the west side of the church property.

Mr. Murphy addressed the concerns by stating that they received no negative feedback during the neighborhood outreach process. He pointed out the advantages to placing the monopalm close to the church and the preference of this location by the church. He also added that there was another monopalm approved earlier this year on this same property.

Vice-Chair Labadie asked about other possible designs. Mr. Murphy responded that they did make other suggestions, but the church was not receptive of the ideas. He also asked if there were any opportunities for co-locations. Mr. Murphy stated that co-locating on a monopalm causes them to no longer look like a palm when you add antennas.

Boardmember Stradling asked Mr. Murphy if there was a technical concern with locating his structure close to the previously approved monopalm. Mr. Murphy stated that there could be problems with interference and existing lease agreements. Boardmember Stradling asked what the approximate separation distance would be between structures. Mr. Murphy stated that a study by engineers would be required and the first carrier would have upper hand.

Staff member Guevara provided the staff report and information regarding the monopalm that was approved by the Zoning Hearing Officer earlier this year. She added that there were neighbors to the south that were in opposition to the monopalm.

Boardmember Hitchens asked what the maximum height allowed in the AG zoning district, staff responded 30'.

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Boardmember Labadie asked staff to point out the location of the previously approved tower, staff responded that the monopalm was approved, but not yet installed.

Chair McCray asked if staff had had an opportunity to speak to church representatives. Ms. Guevara responded, no. But she also stated that the applicant had obtained a signature by a church representative on the application. He asked if there were any more questions from the Board.

Boardmember Labadie stated that he saw the major issue to be the location. Did not understand why they could not move it away from the north property line.

Boardmember Jones commented that the church buildings themselves are very large and striking. He did not feel that the monopalms would have that much impact given the mass of the existing church.

Boardmember Stradling stated he had concerns with the Church's absence from the discussion regarding the location. He further stated that would have liked hear the reasons why the property wanted the structure in the particular location.

Chair McCray was also in agreement with the Church's absence.

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember von Borstel to approve case BA10-065 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the following conditions below.*
2. *The commercial communication tower shall utilize a Faux Date Palm design with a minimum of 65 palm fronds, bark cladding to resemble the bark of a natural palm tree, and all antennas, radio heads, and other equipment near the antennas shall be painted to match the color of the palm fronds.*
3. *The commercial communication tower shall have a maximum height of seventy feet (70') at the top of the palm canopy (65' at the top of antennas).*
4. *The antennas shall not exceed 72" in length, 6.8" in width, and 3.15" in depth.*
5. *The 20' x 16'6" lease area and ground mounted equipment to be screened by 8' high CMU wall to be finished to match the adjacent building.*
6. *The operator of the monopalm shall respond and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 4-2 (Labadie and Stradling nay)

Findings:

1.1 The 65-foot tall commercial communication tower will be installed towards the rear portion of the parcel toward the north east area of the existing building. The associated ground mounted equipment will be located within a 20'x 16'6" lease area screened by an 8 foot high CMU wall.

1.2 The property is zoned AG, and allows Commercial Communication Towers with the issuance of a

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Special Use Permit. Approval of the SUP required finding that the Commercial Communication Tower was compatible with and not detrimental to surrounding properties and was consistent with the General Plan and other recognized plans and City Council policies, including the Commercial Communication Tower Guidelines, adopted in 1997.

- 1.3** Based on the plans submitted, identified as site #PH10332E dated October 14, 2010, the Commercial Communication Tower and associated ground mounted equipment will be located within a designated lease area. The 20' x 16'6" lease area will be surrounded by an eight-foot tall CMU screen wall. The array on the monopole will consist of three sectors, each with three antennas. The antennas will each measure 72" L x 6.8" W x 3.15" D.
- 1.4** The applicant indicated in the justification and compatibility statement that this site was necessary to address a gap in service in the vicinity of Brown Road and Val Vista Drive. T-mobile intends to provide residents, visitors, and businesses with high quality, reliable wireless communication.
- 1.5** The communication tower will be approximately 116' from the north property line adjacent to single family homes. The Commercial Communication Tower Guidelines require a 130' setback adjacent to residential. The communication tower will be approximately 378' to Val Vista Drive and 468' to Brown Road where the Commercial Communication Tower Guidelines require 65'.
- 1.6** This Commercial Communication Tower is subject to a Special Use Permit in the AG zoning district. Consistent with the Commercial Communication Tower Guidelines adopted by the City Council May 19, 1997, the location of the Commercial Communication Tower meets the recommended setbacks from the right-of-way. The location fails to meet the suggested setback from residential properties by 14'. Given the distance from the adjacent streets, the context of the site, and the use of a stealth design, the Commercial Communication Tower is compatible with and not detrimental to surrounding properties.

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Case No.: BA10-066

Location: 1455 North Shill Drive (Council District 1)

Subject: Requesting: 1) a Special Use Permit (SUP) to allow livestock and 2) a Variance to allow a fence to exceed the maximum height allowed in the front setback, both in the R1-6 Zoning District. (PLN2010-00253)

Decision: Approved

Summary: Cameron Carter provided a presentation and summary of the request.

Boardmember Stradling clarified the request related to the fence.

Boardmember Jones asked if the stable structure could be moved to the riding area to be outside of the encroachment. Discussion ensued.

Brad Zick, 46 E. 14th Place – Lives adjacent to the south and had no opposition to the project and enjoys having horses in the neighborhood.

Boardmember McCray read the names of residents who were in favor and one resident who was in opposition. Mr. Carter stated that the property owners held neighborhood meetings and met with their neighbors to answer questions.

Property owner, Deborah Gilbert, explained some future plans for the property once the Special Use Permit is approved.

Staff member Lesley Davis provided the staff report and answered questions.

Boardmember Stradling asked about the required distance from the property to the south.

Chair McCray asked for clarification of the rezoning of the property. He asked staff for reasons for why someone would rezone from R-2 to R1-6. Zoning Administrator Sheffield gave a brief analysis. Discussion ensued regarding the rezoning of the property.

Boardmember Jones had concerns with a riding arena in the middle of a neighborhood and would like to see it located where it would be in conformance with the code.

Boardmember von Borstel stated that she was in support and would also like to see the stable located where it would be as close as possible to conformance.

Boardmember Hitchens commented on the stable structure location. He also asked about the adjacent properties to the north.

Chair McCray stated that he had concerns with the stable being open and not enclosed and also moved further away from the adjacent properties to the south. He also stated he was not sure this was appropriate for the community.

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Boardmember Stradling stated he is in support of the SUP with the stable relocation to 65' and to let the SUP approval be tied to the land.

Motion: It was moved by Boardmember Stradling, seconded by Boardmember Jones to approve case BA10-066.

1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *Relocate the existing covered stable to comply with a 65-foot setback distance.*
3. *Compliance with the Operation and Maintenance Plan submitted including the location of the Solid Waste container away from the neighboring homes.*
4. *The 6-foot high fence in the front setback, shall be lowered to a maximum height of 42-inches or be moved to the front setback line to comply with Section 11-13-3(H) of the Zoning Ordinance.*
5. *Commercial boarding of livestock is prohibited.*

Vote: Passed 5-0-1 (Labadie abstain)

Findings:

- 1.1 The requested SUP would permit two head of livestock on the subject .48± acre parcel, where the standard Mesa City Code allowance would not allow livestock unless the parcel is a minimum of one net acre in size. Section 11-4-3 (E) of the Zoning Ordinance identifies that an R1-6 property that is less than one acre in size may request a SUP upon finding that:
 - 1) Sufficient evidence or documentation that the number of livestock proposed is consistent with the number historically kept on the property;
 - 2) Keeping of livestock in the number proposed or on the parcels or lots proposed, is consistent with the permitted uses contained in deed restrictions or Covenants, Conditions and Restrictions governing such lots of parcels (if applicable);
 - 3) Keeping of livestock is for private use and enjoyment and shall not constitute a commercial use; and
 - 4) Keeping of livestock will be in accordance with all other provisions of Section 6-4-20 and this Chapter, including proper sanitation and placement of barns, pens, and corrals. This modification to the Mesa City Code was originally developed to permit developments with nonconforming lots, the ability to maintain the livestock privileges enjoyed within Maricopa County jurisdiction prior to annexation. The modification has the additional affect of allowing property owners with less than one acre of land to request livestock privileges.
- 1.2 The property owner's purchased their home as well as the two adjacent lots, creating the subject 20,797 square-foot, .48± acre parcel.
- 1.3 This property has not historically had horses on it and there are no other horse properties in the area. The home is surrounded by single family residences. The applicant stated that there would be two horses on the property for the private use and enjoyment of the homeowner's.
- 1.4 The applicant included an Operation and Maintenance Plan that has already been implemented on the property.
Maintenance
 - An automatic or manually controlled water system, is operational at all times to apply adequate water to the site to prevent the generation of fugitive dust.

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- The drinking trough for the horses contains an auto-fill mechanism to reduce the potential for stagnating water.
- The horse waste removal from the property shall occur no less than 3 times per week to reduce the odor and insect nascence.
- The two horses shall be rotated between the four stalls to facilitate cleaning and maintenance of the facility while preventing the horses from freely roaming the property.

Operations

- The facility shall maintain and keep in good repair the existing six (6) foot block wall along the southern boundary of the property.
- The stable and riding arena shall be maintained and kept in good repair at all times.
- The riding area must be watered before riding to eliminate fugitive dust. If at any time the dirt becomes dry to the point that the horse riding creates dust, all riding activity shall cease until such time as water can be applied to the riding arena in sufficient quantity as to prevent fugitive dust.
- The stables shall be cleaned of all animal waste and food spoils on a daily basis and transferred to a designated onsite storage location.
- The designated storage location for the animal waste and food spoils shall be at the northern area of the lot at the furthest practical point from the homes to the south and east. This waste, as stated in the maintenance shall be removed no less than three (3) times per week.
- Lighting shall be shielded so as to not cross the property lines.
- All riding equipment-including saddles, bridle gear, etc. shall be stored in a location that is not visible by the neighboring property owners or public rights of way.

1.5 The location of the existing stable structure is 43-feet from the residence to the south. The Code minimum is 75-feet. The applicant meets this requirement along the east property line. The applicant stated that while the distance is shorter than the minimum required along the south property line, the adjacent home is separated from the stable by two six-foot block walls and a 16-foot wide alley. They also stated that the location of the stable was due to the orientation of the lot and the need to protect the animals from the sun. They indicated that they intend to install a looped driveway around the riding arena and relocating the stable would make it more difficult and costly to access with the truck and trailer.

1.6 The property is the subject of an Animal Control Case (ANI2010-03955), for earlier complaints in July of this year, regarding flies and offensive odors coming from the property. The applicant stated that they implemented their operational and Maintenance Plan and have improved the conditions.

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Case No.: BA10-067

Location: 3558 East McDowell Road (Council District 5)

Subject: Requesting: 1) a Special Use Permit (SUP) and 2) a Development Incentive Permit (DIP), both to allow the development of an assisted living facility in the O-S Zoning District. (PLN2010-00289)

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember von Borstel to approve case BA10-067 with the following conditions:

- 1. Compliance with the site and landscape plans submitted, except as modified by the following conditions below.*
- 2. Compliance with all requirements of the Planning and Zoning Board request.*
- 3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1** In January 2007 the property was rezoned from R1-35 to O-S (Ordinance 4665) and later in the same year a site plan was approved for office development (DR07-007). On October 20, 2010 Planning and Zoning Board approved the case # Z10-029 for the Site Plan modification for the development of an assisted living facility in O-S zoning district.
- 1.2** The General Plan designates this site as Low Density Residential which identifies locations where "large-lot single family detached residential with sufficient open space is desirable." "Other uses permitted in this category may include Office and limited Neighborhood Commercial of less than five acres in size, where deemed appropriate by the City."
- 1.3** The development is located within the Citrus Sub-Area. The Citrus Sub-Area Plan, which was adopted as a resolution by the City Council, designates this corner for office and related uses, as long as the project maintains the rural citrus character of the area, and is "compatible with the existing residential community and looks like a custom residential dwelling with respect to site layout, landscaping, and architectural design" (Chapter 4, Section 3).
- 1.4** The assisted living facility has the appearance of a residential dwelling rather than an institution and is intended to provide a home-like environment for the elderly. The project complies with standards of the Citrus Sub-Area Guidelines. Two rows of citrus trees are being planted along the street frontages and a 6-foot masonry wall with wrought iron is also being built to maintain the appearance of a residential dwelling.
- 1.5** A Special Use Permit (SUP) is required for an assisted living facility located in the O-S zoning district in accordance to section 11-6-4(A) of the Zoning Ordinance.

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1.6 The property qualifies for a Development Incentive Permit (DIP) in that this property is an infill property in the unique Citrus Sub-Area and required incentive to accommodate the assisted living facility. Deviations were requested to the required landscape setbacks along Val Vista and McDowell Road, foundation base along south elevation, building setbacks along north property line and encroachments into the required setbacks by SES and trash enclosures.

1.7 Staff was supportive of the deviations mentioned above because this project will infill one of the corners of the Val Vista and McDowell Road intersection identified in the Citrus Sub-Area Plan for

non-residential use. This project is designed with high quality materials and does not look like typical institution, rather like a single-family residential building. The quality of this development will be similar to the sister project recently built by this same owner across the intersection at the SEC of Val Vista and McDowell Road. Staff also recognized that the deviations are insignificant in number and quantity and they meet the purpose of the development standards. Therefore, staff supported the project as it will be a quality infill development just like the other existing assisted living facility at the southeast corner of this intersection.

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Case No.: BA10-068

Location: 1709 North Greenfield Road (Council District 5)

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing charter school in the M-1 zoning district. (PLN2010-00315)

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember von Borstel to approve case BA10-068 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
3. *The owner shall grant an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City*
4. *Noise attenuation measures to be incorporated into the design and construction of the building to achieve a noise level reduction of 25 db.*

Vote: Passed 6-0

Findings:

- 1.1 This approval was for a Substantial Conformance Improvement Permit (SCIP) to expand existing 17,117 square foot school buildings by 3,565 square foot of class rooms, media room and rest rooms (approximately a 21% increase in floor area). The addition will help provide the current school with much needed classroom space.
- 1.2 The existing school has been in operation since 2001. The site was developed prior to the adoption of current Code requirements and does not comply with regulations related to building and landscape setbacks. The SCIP permits deviation from these requirements, allowing the school to expand within the existing site.
- 1.3 In September 2000, Self Development Charter School, was approved (DR00-098). On November 17, 2010 Planning and Zoning Board recommended approval of case # Z10-033 for the Council Use Permit to expand an existing nonconforming use (school) in industrial zoning district . The case was approved by City Council on December 13, 2010.
- 1.4 A total of 53 parking spaces are provided where only 35 are required. The applicant provided 19 parking spaces along Greenfield Road in front of the Administration Building and 34 parking spaces along Ivy Street. In addition, the applicant agreed to further stagger the current drop-off and pick times.
- 1.5 The property qualified for a SCIP in that the existing buildings and parking lots would require demolition and reconstruction in order to comply with current Code requirements. The applicant

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demonstrated substantial conformance with current Code requirements by providing landscape where possible, and by expanding the existing school within the current building envelope. Also, traffic circulation will be improved through management of school hours by further staggering the pick-up and drop-off times. A new drop off area was added to the modified east parking lot for efficient traffic circulation. As a result, the expansion is compatible with, and not detrimental to, adjacent properties and neighborhoods.

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Case No.: BA10-069

Location: 1940 South Country Club Drive (Council District 3)

Subject: Requesting a Special Use Permit (SUP) to allow a commercial communication tower to exceed the maximum height allowed in the C-3 zoning district. (PLN2010-00327)

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember von Borstel, seconded by Boardmember Jones to approve case BA10-069 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *The commercial communication tower shall utilize a Faux Date Palm design with a minimum of 65 palm fronds, bark cladding to resemble the bark of a natural palm tree, and all antennas, radio heads, and other equipment near the antennas shall be painted to match the color of the palm fronds.*
3. *The commercial communication tower shall have a maximum height of seventy feet (70') at the top of the palm canopy (65' at the top of antennas).*
4. *The antennas shall not exceed 51" in length, 7.7" in width, and 3.9" in depth.*
5. *The 8'x10' lease area and ground mounted equipment to be screened by 8' high CMU wall to be finished to match the adjacent building.*
6. *The operator of the monopalm shall respond and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 5-0-1 (Labadie abstain)

Findings:

- 1.1** A 65-foot tall commercial communication tower will be installed towards the rear portion of the parcel. The tower will be located towards the northwest corner behind an existing medical office building. The associated ground mounted equipment will be located within an 8'x 10' lease area screened by a 8 foot high CMU wall. The applicant will add two live palm trees in the vicinity of the monopalm in order to increase the compatibility of the visual context of palm trees at the location. Staff recommended that these palm trees be a minimum of 35' and 45' tall respectively.
- 1.2** The property is zoned C-3, and allows Commercial Communication Towers with the issuance of a Special Use Permit.
- 1.3** Based on the plans submitted, identified as site #TMUSAZPHNX0630-C3 dated October 4, 2010, the Commercial Communication Tower and associated ground mounted equipment will be located within a designated lease area. The 8'x 10' lease area will be surrounded by an 8' tall CMU screen wall. The array on the monopalm consists of three sectors, each with two antennas. The antennas each measure 51" in length, 7.7" in width, and 3.9" in depth. The array also includes two 26" parabolic antennas.

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- 1.4** The applicant indicated in the justification and compatibility statement that this site was necessary to provide service in the vicinity. Light Squared intends to provide residents, visitors, and businesses with high quality, reliable wireless communication.
- 1.5** The communication tower meets the Commercial Communication Tower Guidelines as they pertain to setbacks adjacent to residential development and public right of way. The monopalm is required to be 130' from the nearest residentially zoned property. There is no residentially zoned property in the immediate vicinity. The monopalm is also required to 65' from the nearest public right of way. The monopalm will be installed 598' from Baseline Road and 828' from Country Club Drive.
- 1.6** The Commercial Communication Tower is subject to a Special Use Permit in the C-3 zoning district. Consistent with the Commercial Communication Tower Guidelines adopted by the City Council May 19, 1997, the location of the Commercial Communication Tower meets the recommended setbacks from the right-of-way and residential properties. Given the distance from the adjacent streets, the context of the site, and the use of a stealth design, the Commercial Communication Tower is compatible with and not detrimental to surrounding properties.

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Case No.: BA10-070

Location: 2262 South Orange (Council District 3)

Subject: Requesting a Variance to allow a shade structure to encroach into the required side yard in the R1-6 zoning district. (PLN2010-00341)

Decision: Continued for 30 days.

Summary: The applicant, David Fabiano, requested a 30 day continuance at the meeting. This was to allow him to work with his neighbors on an agreeable solution.

Motion: It was moved by Boardmember von Borstel, seconded by Boardmember Labadie to continue case BA10-070 to the January 11th, 2011 meeting.

Vote: Passed 6-0

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Case No.: BA10-071

Location: 2050 West Dixon Street (Council District 1)

Subject: Requesting a Variance to allow an existing carport to be converted into a garage encroaching into the required side yard in the R-2 PAD zoning district. (PLN2010-00345)

Decision: Continued for 60 days

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember von Borstel to continue case BA10-071.

Vote: Passed 6-0

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Case No.: BA10-072

Location: 2710 East Main Street (Council District 2)

Subject: Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan in the C-2 zoning district. (PLN2010-0351)

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember von Borstel to approve case BA10-072 with the conditions:

1. *Compliance with the Comprehensive Sign Plan, as submitted.*

2. *Compliance with all requirements of the Building Safety Division in the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1 The Diving Lady sign was constructed and maintained by the artist Paul Millet. The architectural design consists of neon panels outlining the silhouette of a pin-up leaping from the upper section of the sign in a three-panel animated sequence into a splash of water below.
- 1.2 This SUP will restore the sign to its original appearance while bringing the sign into a greater degree of compliance with current code in subtle non-visual ways. A more substantial mast will allow the sign to better withstand wind gusts along with internal strengthening and installation of state-of-the-art electronics to further enhance the safety and stability of the signs' components.
- 1.3 The Sign Code has changed over the years making the Diving Lady Sign non-conforming and would not have been allowed as a new sign. The sign was constructed approximately 50 years ago at a time when signs serving as a beacon for travelers along Main Street were popular. It is eligible as a Mesa Local Historic Landmark and for listing on the National Register of Historic Places. It remains as one of the last animated roadway neon signs in the valley. The sign has been nationally recognized for its uniqueness and importance – representing a fast-vanishing example of roadside lodge signage that represented an era when brightly lit neon signs lined Main Street.
- 1.4 Given that the 70' high sign has been in place for over 50 years and it is a historic icon of Mesa and the valley, restoring the sign to its original appearance is not detrimental to surrounding properties. This SUP allows the restoration of the 70' tall sign with a sign of equal size and height. In addition, there is another existing sign on the site that was not affected by the storm and will not be removed or altered with this approval.

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Case No.: BA10-073

Location: 2345 North Horne (Council District 1)

Subject: Requesting a Special Use Permit (SUP) to allow a Commercial Communication Tower in the R1-43 zoning district. (PLN2010-00344)

Decision: Approved

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember von Borstel to approve case BA10-073 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the following conditions below.*
2. *The proposed CCT shall be a monopalm.*
3. *The monopalm shall have a maximum height of sixty-nine feet (69') at the top of the antennas and seventy-two feet (72') at the top of fronds.*
4. *The antennas shall not exceed 8' in length, 11.8" in width, and 6" in depth.*
5. *The antenna standoff assembly shall not extend more than 18" from the pole.*
6. *The antennas and microwave dishes will be screened with a minimum of 65 palm fronds.*
7. *The antennas shall be painted to match the color of the faux palm fronds.*
8. *The monopalm tower or "trunk" shall be clad with a material resembling the color and texture of a natural palm tree.*
9. *The operator of the monopalm shall respond and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
10. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1 The 72-foot high Commercial Communication Tower will be installed at the south east corner of Lehi Road and Horne along the east property line of the Mesa Historical and Archeological Society. The lease area is 30'x20' enclosing the ground mounted equipment and the base of the monopalm. The lease area will be screened by 8 foot tall CMU wall.
- 1.2 The property is zoned R1-43, and allows CCTs provided they do not exceed 30' in height. This approval of a Special Use Permit (SUP) was required for CCT's that exceed the maximum permitted height of 30', this approval is for a 72' high CCT.
- 1.4 This monopalm will be 72-feet high with an array consisting of three sectors with nine antennas. The antennas measure 8' L x 11.8" W x 6" D.
- 1.7 The location of the monopalm complies with the Commercial Communications Towers Guidelines in that it will be approximately 240' from the right-of-way, where only 72-feet are required. In

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addition, the monopalm will be a minimum of 220' from the residential lot to the south, where 144' would be required.

- 1.8** The CCT is an allowed use in R1-43 Zoning District subject to granting of a Special Use Permit. Consistent with the Commercial Communication Tower Guidelines adopted by the City Council May 19, 1997, the location of the CCT is compatible with and is not detrimental to surrounding properties.

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Case No.: BA10-074

Location: 915 North Val Vista Drive (Council District 2)

Subject: Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan in the R1-15 PAD zoning district. (PLN2010-00356)

Decision: Approved

Summary: Tom Hennesay represented the case and gave a summary of the project.

James Thompson, who lives across Val Vista from the project, spoke in opposition to the size of the sign for the new development. He clarified that he was not opposing the project, only the size of the sign on Val Vista. He stated that the size of the lettering is very large and out of context for similar subdivision signs the area.

Mr. Hennesay stated that they had surveyed similar signs in the area and they measured at about the same size and some even larger.

Boardmembers Stradling and Hitchens discussed clarification of the number of signs and the sign area of the request.

Staff member Lesley Davis provided the staff report and answered questions.

Chair McCray asked Ms. Davis questions regarding the size of the sign letters. Discussion ensued regarding sign letter size in past codes.

Boardmember Stradling asked about a subdivision on the west side of Val Vista and south of this project and also how sign text is calculated.

Boardmember Jones stated he was in favor of the sign.

Boardmember Labadie was also in favor and felt that it was a well designed sign and had no issues with the height.

Boardmember von Borstel was in agreement.

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember Labadie to approve case BA10-074 with the following conditions:

1. *Compliance with the sign plan submitted.*
2. *Compliance with all requirements of the Building Safety Division in the issuance of sign permits.*
3. *Issuance of required Use Permits for all temporary signs as defined in Section 11-19-7 of the Zoning Ordinance.*

Vote: Passed 6-0

Board of Adjustment Meeting December 14, 2010

Findings:

- 1.1** Residential subdivisions are permitted one wall mounted entry identification sign on each side of an entrance to the subdivision, not exceeding 12 square-feet in area. The applicant has been approved for an increase in the allowable area for a subdivision identification sign to 19 square-feet in area. The primary entry sign identified will be located along Val Vista Drive.
- 1.3** In response to these requirements, the applicant cited the agrarian history of the site and the Citrus character that will be maintained through their landscape palette as well as through their signage and entry gates. They have also noted that the amount of Citrus preserves on the site will provide a dominant theme along Val Vista where the sign will be located. They noted a concern that without the additional area the sign could be diminished or lost in the landscaping. The sign will be located 18-feet from the right of way line and will be situated perpendicular to the street. The setback places the sign more internal to the subdivision entry. The positioning was noted as an effort to complement rather than detract from the orchard theme. The applicant also cited that the increased sign area will increase visibility to the sign functions as a subdivision identifier, but will be balanced by the setback dimension.
- 1.4** Section 11-19-8(D)11, of the Sign Ordinance allows one 12 square-foot sign on each side of the entry, which are typically installed on the perimeter walls for the subdivision. This sign is a freestanding sign with lettering on either side of the sign. On a freestanding monument sign, the Sign Ordinance only counts one side of a two-sided sign. Therefore, the applicant was approved for one, 24 square-foot sign.
- 1.5** The project is not located within the Citrus Sub-Area, however due to the existing active citrus grove on the property; the applicant designed the project to preserve that character.
- 1.6** The design of the entry monument signs are enhanced by utilizing an artistic art piece that plays up the "Citrus" theme of the area with a citrus tree created out of Corten Steel. This art piece is approximately 8-feet high and is being created by a local artist specifically for this subdivision entry sign. The same artist will be creating entry gates out of the same materials further enhancing the entry experience of the citrus theme and character of the subdivision.
- 1.7** The applicant's subdivision sign package addresses this unique development and its location, while maintaining a proportion and scale with the development. The sign package, including the recommended conditions of approval is compatible with and not detrimental to the surrounding development.

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**Board of Adjustment Meeting
December 14, 2010**

E. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

G: Board of Adjustment/Minutes/2010/Dec.2010